

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231



21839

19704 U.S. PTO
10/628909
07/29/03

Sir:



This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of the following pending application, by the following named inventor(s):

Application No. 09/631,468

Filed: August 3, 2000

Title: Methods for Assaying Receptor Activity and Constructs Useful in Such Methods

Inventor(s): Lawrence S. Barak, Marc G. Caron, Stephen S. Ferguson and Jie Zhang

- ☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- ☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- ☐ Applicant(s) hereby request(s) that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- ☒ Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and patent.

- ☒ Applicant(s) requests that the published application include the following assignment information:
Duke University, Durham, North Carolina, USA

1. ☒ Enclosed is a copy of the prior Application No. 09/631,468 as originally filed on August 3, 2000, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment.

CLAIMS					
	No. of Claims		Extra Claims	Rate	Fee
Basic Application Fee (1001)					\$ 750.00
Total Claims	5	MINUS 20 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	3	MINUS 3 =	0	x \$84.00 (1201) =	\$ 0.00
If multiple dependent claims are presented, add \$280.00 (1203)					
Total Application Fee					\$ 750.00
<input checked="" type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Application Fee					\$ 375.00
Add Assignment Recording Fee of \$40.00 (8021) if Assignment document is enclosed.					
TOTAL APPLICATION FEE DUE					\$ 375.00

5. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☒ Charge \$ 375.00 to Deposit Account No. 02-4800 for the fee due.
7. ☐ A check in the amount of _____ is enclosed for the fee due.
8. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. ☒ Cancel in this application original claims 4-16 and 78-83 of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☐ Applicant(s) claims priority under 35 U.S.C. § 119 of the following application(s):

Country Application No. Filing Date

Country Application No. Filing Date

- ☐ The certified copy of the priority application

☐ is enclosed.

☐ was filed on _____ in prior Application No. _____, filed on _____, and acknowledged by the Examiner on _____ in Paper No. _____.

☐ has not yet been filed.

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12. ☒ Please amend the specification by inserting before the first line the sentence:

☒ --This application is a ☒ continuation ☐ divisional of Application No. 09/631,468
 filed on 8-3-2000, which is a cont. appl. of 09/233,530 filed on 01-20-1999, now Patent No.
 6,110,693, which is a cont. appl. of 08/869,568, filed 06-05-1997, now Patent No. 5,891,464

☐ --This application is a ☐ continuation ☐ divisional of Application No. _____,
 filed on _____, which was a national stage filing under 35 U.S.C.
 § 371 of International Application No. _____ filed on _____.

☐ --This application is a ☐ continuation ☐ divisional of Application No. _____,
 filed on _____, which was a continuation of International Application
 No. _____, filed on _____.

13. ☐ A preliminary amendment is enclosed.14. ☐ An Information Disclosure Statement is enclosed.15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.16. ☒ Also enclosed is 3 month Extension of Time17. ☒ The power of attorney in the prior application is to _____a. ☐ The power appears in the original papers in the prior application.b. ☒ Since the power does not appear in the original papers, a copy of the power in the
prior application is enclosed.c. ☐ Recognize as Associate Attorney _____d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or
agent of record.)

Burns, Doane, Swecker & Mathis, L.L.P.
 P.O. Box 1404
 Alexandria, Virginia 22313-1404

July 29, 2003

Date

By:

Allen R. Baum

Registration No. 36,086

Address of signator:

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☐ inventor(s)☐ assignee of complete interest☐ attorney or agent of record☒ filed under 37 C.F.R. § 1.34(a)

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

"Express Mail" Mailing Label No.: EV 171050073 US Date of Deposit: July 29, 2003

Donnie S. Dietrich